THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.1343, 3058 & 3598 of 2003

COMMON ORDER:

In all these writ petitions, common questions of fact and law arise for consideration, therefore, they are being disposed of by this common order.

In W.P.Nos.1343 and 3058 of 2003, the petitioners sought a direction to the respondents to fix the boundaries and secure his lands of N.S. project by giving effect to the joint survey report dated 18.12.1997 as confirmed by the judgment dated 15.2.1999 in W.P.No.15443 of 1997 as modified in Review W.P.M.P.No.9420 of 1999 dated 8.11.2002 to enable the petitioners to be in peaceful possession and enjoyment of their lands in Survey No.843 and 844 situated at Miryalguda, Nalgonda district.

In W.P.No.3598 of 2003, the petitioners sought a direction to the respondents to give effect to the survey report dated 27.11.1997 on the spot inspection conducted by the Regional Deputy Director, Survey and Land Records pursuant to the proceedings in Rc.F3/6556/97 dated 16.9.1997 issued by the Director of Survey, Settlements and Land Records, Hyderabad and consequently to direct to handover possession of the excess land in an extent of Ac.1-30 guntas in Survey No.855 situated at Miryalguda, Nalgonda district owned and possessed by the petitioners in terms of orders passed in W.P.Nos.15442 and 15443 of 1997 and Review W.P.M.P.Nos.9420 and 9423 of 1999 respectively dated 8.11.2002.

In short, in all these writ petitions, the prayer is to give effect to the survey conducted by the Regional Deputy Director, Survey and Land Records, which was conducted in pursuance of the directions of

this Court earlier.

Now a detailed counter affidavit has been filed by the respondents stating that after survey and spot inspection conducted by the Regional Deputy Director on 20.11.1997, a doubt has been entertained as to the correctness of the report, therefore, the Director of Survey and Land Records has conducted another survey and gave altogether a different report. In view of the disputed questions of facts, I am of the opinion that the relief as sought for in the writ petitions cannot be granted, and therefore, they are liable to be dismissed. However, this will not preclude the petitioners from working out their remedies as available under law. The petitioners are also at liberty to approach the competent authority seeking compensation or for alternate lands. Any such application being made by the petitioners in this regard, shall be considered by the authorities concerned sympathetically within a period of three months from the date of receipt of such application.

Subject to the above, the writ petitions are dismissed. No order as to costs.

_____

C.V.RAMULU, J

Date: 23.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.1343, 3058 & 3598 of 2003

23.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.1343, 3058 & 3598 of 2003

Date: 23rd October, 2006

Between:

Gouru Nagarjuna .. Petitioner in W.P.No.1343 of 2003

Mohd.Abdul Kareem & others. .. Petitioner in W.P.No.3058 of 2003

Mohd.Abdul Kareem & others. .. Petitioner in W.P.No.3598 of 2003

And

State of A.P., rep. by the
Secretary to Government, Irrigation and
Projects Department, Secretariat,
Hyderabad & others.

.. Respondents